

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 953

Introduced by Assembly Member Coto

February 18, 2005

An act to amend ~~Section 52055.605~~ *Sections 52055.55, 52055.57, and 52059* of the Education Code, relating to ~~high-priority schools~~ *public school accountability*.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as amended, Coto. ~~Education: High Priority Schools Grant Program.~~ *Local Educational Agency Intervention.*

Existing law authorizes invited schools that score below the 50th percentile on specified achievement tests to receive funding under the Immediate Intervention/Underperforming Schools Program. Existing law allows the Superintendent of Public Instruction to assign a management team, trustee, or a school assistance and intervention team to a schoolsite in order to help the school achieve significant improvement on the Academic Performance Index. Existing law requires the Superintendent of Public Instruction to remove the management team, trustee, or school assistance and intervention team from providing services at the schoolsite or any other schoolsite if it fails to assist the school in making significant growth on the Academic Performance Index 36 months after it is assigned to the schoolsite.

This bill would eliminate the application of that sanction with regard to any schoolsite other than the affected schoolsite.

Existing law, the Early Warning Program and the Prevention of Local Educational Agency Intervention Program, provides for a voluntary self-assessment process for local educational agencies that are in danger of being identified as program improvement local

educational agencies under the federal No Child Left Behind Act of 2001 and allows those local educational agencies to participate in a prevention program that provides support and funding in order to improve pupil academic achievement.

This bill would eliminate those programs. This bill would require the Superintendent of Public Instruction, by September 1, 2005, to recommend, and the State Board of Education to approve, criteria to allocate funds available in the annual Budget Act for support of local education agencies identified as program improvement local education agencies.

Existing law requires the State Department of Education to establish a Statewide System of School Support to provide a statewide system of intensive and sustained support and technical assistance for school districts and county offices of education with schools in need of improvement. Existing law requires that funds for that system be distributed based on the number of schools and the enrollment of those schools in each region that have been identified as being in need of program improvement under federal law.

This bill would require that funding for that system also be based on the number of school districts in each region that have been identified as being in need of program improvement.

~~Existing law requires the Superintendent of Public Instruction to identify schools ranked in deciles 1 to 5, inclusive, on the Academic Performance Index and invite those schools to participate in the High Priority Schools Grant Program.~~

~~This bill would make technical, nonsubstantive changes to existing law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 52055.605 of the Education Code is~~
- 2 ~~amended to read:~~
- 3 *SECTION 1. The amount of funds described in clause 7 of*
- 4 *Item 6110-136-0890 of Section 2.00 of Chapter 208 of the*
- 5 *Statutes of 2004 shall be used for purposes of school district*
- 6 *accountability pursuant to Section 52055.57 of the Education*
- 7 *Code.*

1 *SEC. 2. Section 52055.55 of the Education Code is amended*
2 *to read:*

3 52055.55. (a) Thirty-six months after the Superintendent of
4 ~~Public Instruction~~ assigns a management team, trustee, or a
5 school assistance and intervention team to a schoolsite, if the
6 school makes significant growth on the Academic Performance
7 Index, as determined by the State Board of Education, in two
8 consecutive years, the school shall exit the Immediate
9 Intervention/Underperforming Schools Program and is no longer
10 subject to the requirements of the program.

11 (b) Thirty-six months after the Superintendent of ~~Public~~
12 ~~Instruction~~ assigns a management team, trustee, or a school
13 assistance and intervention team to a schoolsite, if the
14 management team, trustee, or school assistance and intervention
15 team fails to assist the school in making significant growth on the
16 Academic Performance Index, as determined by the State Board
17 of Education, the Superintendent of ~~Public Instruction~~ shall
18 remove the management team, trustee, or school assistance and
19 intervention team from providing services at the schoolsite ~~and~~
20 ~~any other schoolsite~~. Additionally, the Superintendent of ~~Public~~
21 ~~Instruction~~ shall do at least one of the following:

22 (1) Require the school district to ensure, using available
23 federal funds, that 100 percent of the teachers at the schoolsite
24 are highly qualified, as defined by the state for the purposes of
25 the federal No Child Left Behind Act (20 U.S.C. Sec. 6301 et
26 seq.).

27 (2) Require the school to contract, using available federal
28 funds, with an outside entity to provide supplemental instruction
29 to high-priority pupils and assign a management team, trustee, or
30 school assistance and intervention team that has demonstrated
31 success with other state-monitored schools.

32 (3) Allow parents of pupils enrolled at the school to apply
33 directly to the State Board of Education to establish a charter
34 school at the existing schoolsite.

35 (4) Close the school.

36 *SEC. 3. Section 52055.57 of the Education Code is amended*
37 *to read:*

38 52055.57. (a) ~~(1)~~ Any provisions that are applicable to local
39 educational agencies under this section are for the purpose of
40 implementing federal requirements under the federal No Child

Left Behind Act (20 U.S.C. Sec. 6301 et seq.). The satisfaction of these criteria by local educational agencies that choose to participate under this article shall be a condition of receiving funds pursuant to this section.

~~(2) The department shall identify local educational agencies that are in danger of being identified within three to four years as program improvement local educational agencies under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and shall notify those local educational agencies, in writing, of this status and provide those local educational agencies with research-based criteria to conduct a voluntary self-assessment.~~

~~(3) The self-assessment shall identify deficiencies within the operations of the local educational agency, and the programs and services of the local educational agency.~~

~~(4) A local educational agency identified pursuant to paragraph (1) is encouraged to revise its local educational agency plan based on the results of the self-assessment.~~

~~(5) The program described in this subdivision shall be referred to as the "Early Warning Program."~~

~~(b) (1) If a local educational agency is at risk of being identified for program improvement within two years, the department shall invite that local educational agency to participate in the Prevention of Local Educational Agency Intervention Program, which is hereby created. A local educational agency that elects to participate in this program shall do all of the following:~~

~~(A) Conduct a self-assessment using materials and criteria based on current research and provided by the department.~~

~~(B) No later than 30 days after a local educational agency elects to participate in the Prevention of Local Educational Agency Intervention Program, contract with a county office of education or another external entity after working with the county superintendent of schools, for all of the following purposes:~~

~~(i) Verifying the fundamental teaching and learning needs in the schools of that local educational agency as determined by a self-assessment, and identifying the specific academic problems of low-achieving pupils, including a determination of why the~~

1 ~~prior plan of the local educational agency failed to bring about~~
2 ~~increased pupil academic achievement.~~

3 ~~(ii) Ensuring that the local educational agency receives~~
4 ~~intensive support and expertise to implement local educational~~
5 ~~agency reform initiatives in the revised local educational agency~~
6 ~~plan as required by the federal No Child Left Behind Act of 2001~~
7 ~~(20 U.S.C. Sec. 6301 et seq.).~~

8 ~~(C) Revise and expeditiously implement the local educational~~
9 ~~agency plan of the local educational agency to reflect the~~
10 ~~findings of the verified self-assessment.~~

11 ~~(2) Subject to the availability of funds in the annual Budget~~
12 ~~Act for this purpose, a participating local educational agency~~
13 ~~may annually receive funds based on the following schedule, for~~
14 ~~no more than three years, for the purpose of fulfilling the~~
15 ~~requirements of subparagraph (B) of paragraph (1):~~

16 ~~(A) A local educational agency consisting of less than 20,000~~
17 ~~pupils may annually receive fifty thousand dollars (\$50,000).~~

18 ~~(B) A local education agency consisting of greater than or~~
19 ~~equal to 20,000 pupils but less than 50,000 pupils may annually~~
20 ~~receive one hundred thousand dollars (\$100,000).~~

21 ~~(C) A local educational agency consisting of greater than~~
22 ~~50,000 pupils may annually receive two hundred thousand~~
23 ~~dollars (\$200,000).~~

24 ~~(3) If a local educational agency does not elect to participate in~~
25 ~~the Prevention of Local Educational Agency Intervention~~
26 ~~Program, the governing board of the local educational agency~~
27 ~~shall hold a public hearing at a regularly scheduled meeting to~~
28 ~~discuss the reasons and rationale for not participating, and to~~
29 ~~explain the manner in which the local educational agency intends~~
30 ~~to address the needs of the district.~~

31 ~~(e)–~~

32 ~~(b) (1) A local educational agency identified as a program~~
33 ~~improvement local educational agency under the federal No~~
34 ~~Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) shall~~
35 ~~do all of the following:~~

36 ~~(A) Conduct a self-assessment using materials and criteria~~
37 ~~based on current research and provided by the department.~~

38 ~~(B) No later than 90 days after a local educational agency~~
39 ~~becomes identified for program improvement, contract with a~~
40 ~~county office of education or another external entity after~~

1 working with the county superintendent of schools, for all of the
2 following purposes:

3 (i) Verifying the fundamental teaching and learning needs in
4 the schools of that local educational agency as determined by the
5 local educational agency self-analysis, and identifying the
6 specific academic problems of low-achieving pupils, including a
7 determination of why the prior plan of the local educational
8 agency failed to bring about increased pupil academic
9 achievement.

10 (ii) Ensuring that the local educational agency receives
11 intensive support and expertise to implement local educational
12 agency reform initiatives in the revised local educational agency
13 plan as required by the federal No Child Left Behind Act of 2001
14 (20 U.S.C. Sec. 6301 et seq.).

15 (C) Revise and expeditiously implement the local educational
16 agency plan of the local educational agency to reflect the
17 findings of the verified self-assessment.

18 (D) After working with the county superintendent of schools
19 or an external verifier, contract with an external provider to
20 provide support and implement recommendations to assist the
21 local educational agency in resolving shortcomings identified in
22 the verified self-assessment.

23 ~~(E) If the local educational agency elects to participate in the~~
24 ~~Prevention of Local Educational Agency Intervention Program~~
25 ~~pursuant to subdivision (b), the activities performed pursuant to~~
26 ~~subdivision (b) may serve as the foundation for the requirements~~
27 ~~of subparagraphs (A), (B), and (C).~~

28 (2) Subject to the availability of funds in the annual Budget
29 Act for this purpose, a local educational agency ~~participating in~~
30 ~~this program~~ *described in paragraph (1)* may annually receive
31 fifty thousand dollars (\$50,000), and ten thousand dollars
32 (\$10,000) for each school within the local educational agency,
33 for no more than two years, for the purpose of fulfilling the
34 requirements of this subdivision.

35 ~~(3) (A) Subject to the availability of funds in the annual~~
36 ~~Budget Act for this purpose, if the governing board of a local~~
37 ~~educational agency participating in this program determines that~~
38 ~~it needs a grant to implement the recommendations of the county~~
39 ~~superintendent of schools or another external entity, the~~
40 ~~governing board may apply to the department for a supplemental~~

1 ~~grant not to exceed two million dollars (\$2,000,000). The~~
2 ~~application shall demonstrate the need for additional funding,~~
3 ~~beyond that currently available to the local educational agency.~~
4 ~~The department shall submit the request to the State Board of~~
5 ~~Education with a recommendation of approval or denial.~~

6 ~~(B) The State Board of Education shall notify the requesting~~
7 ~~local educational agency of the decision. If the State Board of~~
8 ~~Education approves a grant of an amount less than that applied~~
9 ~~for, the local educational agency may accept or reject the grant.~~

10 *(3) The Superintendent shall, by September 1, 2005,*
11 *recommend, and the State Board of Education shall approve,*
12 *criteria to allocate funds available in the annual Budget Act for*
13 *support of local educational agencies identified as program*
14 *improvement local educational agencies pursuant to this*
15 *subdivision.*

16 ~~(d)~~

17 *(c) (1) A local educational agency that has been identified for*
18 *corrective action under the federal No Child Left Behind Act of*
19 *2001 (20 U.S.C. Sec. 6301 et seq.), and did not accept a*
20 *supplemental grant pursuant to paragraph (3) of subdivision (c),*
21 *shall be subject to one or more of the following sanctions as*
22 *recommended by the Superintendent of Public Instruction and*
23 *approved by the State Board of Education:*

24 *(A) Replacing local educational agency personnel who are*
25 *relevant to the failure to make adequate yearly progress.*

26 *(B) Removing schools from the jurisdiction of the local*
27 *educational agency and establishing alternative arrangements for*
28 *the governance and supervision of those schools.*

29 *(C) Appointing, by the State Board of Education, a receiver or*
30 *trustee, to administer the affairs of the local educational agency*
31 *in place of the county superintendent of schools and the*
32 *governing board.*

33 *(D) Abolishing or restructuring the local educational agency.*

34 *(E) Authorizing pupils to transfer from a school operated by*
35 *the local educational agency to a higher-performing school*
36 *operated by another local educational agency, and providing*
37 *those pupils with transportation to those schools, in conjunction*
38 *with carrying out not less than one additional action described*
39 *under this paragraph.*

1 (F) Instituting and fully implementing a new curriculum that is
2 based on state academic content and achievement standards,
3 including providing appropriate professional development based
4 on ~~scientifically-based~~ *scientifically based* research for all
5 relevant staff, that offers substantial promise of improving
6 educational achievement for high-priority pupils.

7 (G) Deferring programmatic funds or reducing administrative
8 funds.

9 ~~(2) A local educational agency that has been identified for~~
10 ~~corrective action under the federal No Child Left Behind Act of~~
11 ~~2001 (20 U.S.C. Sec. 6301 et seq.) and accepted a supplemental~~
12 ~~grant pursuant to paragraph (3) of subdivision (c), shall be~~
13 ~~subject to one or more of the following sanctions as~~
14 ~~recommended by the Superintendent of Public Instruction and~~
15 ~~approved by the State Board of Education:~~

16 ~~(A) Replacing local educational agency personnel who are~~
17 ~~relevant to the failure to make adequate yearly progress.~~

18 ~~(B) Removing schools from the jurisdiction of the local~~
19 ~~educational agency and establishing alternative arrangements for~~
20 ~~public governance and supervision of those schools.~~

21 ~~(C) Appointing, by the State Board of Education, a receiver or~~
22 ~~trustee to administer the affairs of the local educational agency in~~
23 ~~place of the county superintendent of schools and the governing~~
24 ~~board.~~

25 ~~(D) Abolishing or restructuring the local educational agency.~~

26 ~~(E) Authorizing pupils to transfer from a school operated by~~
27 ~~the local educational agency to a higher-performing school~~
28 ~~operated by another local educational agency, and providing~~
29 ~~those pupils with transportation to those schools, in conjunction~~
30 ~~with carrying out not less than one additional action described~~
31 ~~under this paragraph.~~

32 (3) In addition to the sanctions prescribed by paragraphs (1)
33 and (2), the Superintendent of Public Instruction may
34 recommend, and the State Board of Education may approve, the
35 requirement that a local educational agency contract with a
36 district assistance and intervention team to aid a local educational
37 agency.

38 (4) Subject to the availability of funds in the annual Budget
39 Act for this purpose, if the State Board of Education requires a
40 local educational agency to contract with a school assistance and

1 intervention team pursuant to paragraph (3), the local educational
2 agency may annually receive fifty thousand dollars (\$50,000),
3 plus ten thousand dollars (\$10,000) for each school within the
4 local educational agency, for no more than two years, for the
5 purpose of contracting with and implementing the
6 recommendations of the school assistance and intervention team.

7 (5) Not later than ~~July 31, 2005~~ *January 31, 2006*, the
8 ~~Superintendent of Public Instruction~~ shall develop and the State
9 Board of Education shall approve, standards and criteria to be
10 applied by a school assistance and intervention team in carrying
11 out their duties. The standards and criteria shall include all of the
12 following areas:

13 (A) Governance.

14 (B) Alignment of curriculum, instruction, and assessments to
15 state standards.

16 (C) Fiscal operations.

17 (D) Parent and community involvement.

18 (E) Human resources.

19 (F) Data systems and achievement monitoring.

20 (G) Professional development.

21 ~~(e)~~

22 (d) A local educational agency that has received a sanction
23 under subdivision ~~(d)~~ (c) and has not exited program
24 improvement under the federal No Child Left Behind Act of
25 2001 (20 U.S.C. Sec. 6301 et seq.) shall appear before the State
26 Board of Education within three years to review the progress of
27 the local educational agency. Upon hearing testimony and
28 reviewing written data from the local educational agency and the
29 district assistance and intervention team or county superintendent
30 of the schools, the ~~Superintendent of Public Instruction~~ shall
31 recommend, and the State Board of Education may approve, an
32 alternative sanction under subdivision ~~(d)~~ (c), or may take any
33 appropriate action.

34 ~~(f)~~

35 (e) Subject to the availability of funds in the annual Budget
36 Act for this purpose, a local educational agency that is not
37 identified as a program improvement local educational agency
38 under the federal No Child Left Behind Act of 2001 (20 U.S.C.
39 Sec. 6301 et seq.), that is not eligible to participate in the
40 Prevention of Local Educational Agency Intervention Program,

1 and that has ten or more schools in program improvement, or in
2 which 55 percent or more of the schools are in program
3 improvement, may annually receive up to fifteen thousand
4 dollars (\$15,000) per school so identified for the purposes of
5 supporting schools identified as program improvement schools in
6 the local educational agency and determining barriers to
7 improved pupil academic achievement. That local educational
8 agency shall receive no less than forty thousand dollars (\$40,000)
9 and no more than one million five hundred thousand dollars
10 (\$1,500,000) for those purposes. The—~~superintendent~~
11 *Superintendent* shall compile a list that ranks each local
12 educational agency based on the number of, and percentage of,
13 schools identified as program improvement schools and shall
14 provide this funding to local educational agencies equally from
15 each list until all funds appropriated for this purpose are depleted.
16 These funds shall be provided for no more than three years.

17 (g) If there are more local educational agencies that qualify to
18 receive funds under subdivisions (b), (c), ~~(d)~~, and ~~(f)~~ (e) than the
19 amount appropriated for these purposes, the—~~superintendent~~
20 *Superintendent* may redirect funding for the purposes of
21 subdivision~~(e)~~ (b).

22 (h) For purposes of this article, “local educational agency”
23 means a school district, county office of education, or charter
24 school that elects to receive its funding directly pursuant to
25 Section 47651, that provides public educational services to pupils
26 in kindergarten or any of grades 1 to 12, inclusive.

27 (i) For purposes of this section, a “stakeholder” is, but is not
28 necessarily limited to, any of the following:

29 (1) A parent of a child attending a school within the
30 jurisdiction of the local educational agency.

31 (2) A community partner of the local educational agency.

32 (3) An employee of the local educational agency, as selected
33 by the bargaining unit.

34 (j) A local educational agency shall not receive funds pursuant
35 to subdivision (b), (c), or ~~(d)~~ (e) if they are initially identified for
36 program improvement or prevention after July 1, 2009.

37 *SEC. 4. Section 52059 of the Education Code is amended to*
38 *read:*

39 52059. (a) For purposes of complying with the federal No
40 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a

1 Statewide System of School Support shall be established by the
2 department to provide a statewide system of intensive and
3 sustained support and technical assistance for school districts,
4 county offices of education, and schools in need of improvement.
5 The system shall consist of regional consortia, which may
6 include county offices of education and school districts, that
7 work collaboratively with school districts and county offices of
8 education to meet the needs of school districts and schools in
9 need of improvement.

10 (b) The system shall provide assistance to school districts and
11 schools in need of improvement by:

12 (1) Reviewing and analyzing all facets of a school's operation,
13 including ~~the~~ the following:

14 (A) The design and operation of the instructional program
15 offered by the school.

16 (B) The recruitment, hiring, and retention of principals,
17 teachers, and other staff, including vacancy issues. The system
18 may request the assistance of the Fiscal Crisis and Management
19 Assistance Team to review school district or school recruitment,
20 hiring, and retention practices.

21 (C) The roles and responsibilities of district and school
22 management personnel.

23 (2) Assisting the school in developing recommendations for
24 improving pupil performance and school operations.

25 (3) Assisting schools and school districts in efforts to
26 eliminate misassignments of certificated personnel.

27 (c) In carrying out this article, the department shall ensure that
28 support is provided in the following order of priority:

29 (1) To school districts or county offices of education with
30 schools that are subject to corrective action under paragraph (7)
31 of subsection (b) of Section 6316 of Title 20 of the United States
32 Code.

33 (2) To school districts or county offices of education with
34 schools that are identified as being in need of improvement
35 pursuant to subsection (b) of Section 6316 of Title 20 of the
36 United States Code.

37 (3) To provide support and assistance to school districts and
38 county offices of education with schools participating under the
39 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.)

1 that need support and assistance to achieve the purposes of that
2 act.

3 (4) To provide support and assistance to other school districts
4 and county offices of education with schools participating in a
5 program carried out under this chapter.

6 (d) For purposes of this article, all references to schools shall
7 include charter schools.

8 (e) Funds shall be distributed under this article based on the
9 number of schools ~~and, the pupil enrollment of~~ in those schools,
10 ~~and the number of school districts~~ in each region that have been
11 identified as being in need of improvement pursuant to Section
12 6316 of Title 20 of the United States Code, or are participating in
13 the programs conducted under this chapter.

14 ~~52055.605. (a) The Superintendent, with the approval of the~~
15 ~~State Board of Education, shall identify schools ranked in deciles~~
16 ~~1 to 5, inclusive, on the Academic Performance Index (API).~~

17 ~~(b) The Superintendent shall invite schools identified pursuant~~
18 ~~to subdivision (a) to participate in the High Priority Schools~~
19 ~~Grant Program. Notwithstanding subdivision (h) of Section~~
20 ~~52053, in order to be eligible for funding from the High Priority~~
21 ~~Schools Grant Program, a school shall also participate in the~~
22 ~~Immediate Intervention/Underperforming Schools Program. A~~
23 ~~school participating in both programs may elect to submit only~~
24 ~~one application and one plan for both programs. A school~~
25 ~~participating in the Immediate Intervention/Underperforming~~
26 ~~Schools Program before the date of the enactment of the act~~
27 ~~adding this section is also eligible for participation in the High~~
28 ~~Priority Schools Grant Program.~~

29 ~~(c) First priority for participation in the High Priority Schools~~
30 ~~Grant Program shall be given to schools ranked on the API in~~
31 ~~decile 1. Second priority shall be given to schools in decile 2.~~
32 ~~Third priority shall be given to schools in decile 3. Fourth~~
33 ~~priority shall be given to schools in decile 4. Fifth priority shall~~
34 ~~be given to schools in decile 5. Within each decile, priority shall~~
35 ~~be given to the lowest ranked schools.~~

36 ~~(d) Notwithstanding any other provision of law and if funds~~
37 ~~are available for this purpose, the number of schools within the~~
38 ~~designated cohorts of the Immediate~~
39 ~~Intervention/Underperforming Schools Program pursuant to~~
40 ~~Section 52053 may exceed the maximum numbers specified in~~

1 that section in order to participate in the program established
2 pursuant to this article.

3 (e) If a school ranked in decile 1 of the API completes the
4 action plan required as part of the application to participate in the
5 federal Comprehensive School Reform Demonstration Program
6 (P.L. 105-78), but there are insufficient funds to allow that school
7 to participate in that program, so long as the action plan meets
8 the requirements of subdivisions (d) and (e) of Section 52054,
9 that school shall be automatically approved to the extent funding
10 is available for participation in the Immediate
11 Intervention/Underperforming Schools Program and shall be
12 deemed to have complied with the requirements of Section
13 52054.

14 (f) The State Board of Education may allow continuation high
15 schools to apply for and receive funding pursuant to this article if
16 those continuation high schools report pupil performance that is
17 equivalent to that of high schools ranked in deciles 1 and 2 on the
18 Academic Performance Index and the board determines that the
19 state will be able to adequately determine growth in pupil
20 performance in a valid and reliable manner for the purpose of
21 accountability pursuant to this article. The State Board of
22 Education may establish a limit on the number of continuation
23 high schools that may be funded to reflect their proportion of
24 high-priority pupils in grades 9 to 12, inclusive, and may adopt
25 criteria limiting the eligibility for funding, pursuant to this article,
26 of continuation high schools with a high level of per pupil
27 funding from the continuation high school revenue limit add-on.